IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

A. O. NO. 966 OF 2001

Mr. Ramnarayan R. Choudhary ... Appellant
VS.
The Municipal Corporation of Navi Mumbai ... Respondent

None present for the parties.

CORAM: D. G. KARNIK **J.**

DATE: 20th November 2006

P.C.:

1. This appeal is directed against the order dated 4th September 2001 passed by the learned II Additional District Judge, Thane, remanding the suit to the trial court for re-hearing in accordance with the directions contained judgment.

2. Learned counsel for the appellant submits that after the remand the trial court has dismissed the suit on default and that order of dismissal of the suit is challenged in a writ petition which is pending in this court. He however, submits that in view of the fact that the suit itself has been dismissed the order of remand has become infructuous and so also this appeal. He therefore, submits that the appeal may be

dismissed as it became infructuous.

3. None is present for the respondent and therefore the factual statements made by the learned counsel is accepted. The appeal is dismissed as infructuous.

(D.G. KARNIK J.)